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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JOHN HARPER and LANA KUDINA,

9 Plaintiffs,

10 v.

11 MARK BUSH and PYRAMID HOMES  
12 INCORPORATED,

13 Defendants.

Case No. C08-5154FDB

ORDER AWARDING DEFENDANTS  
REASONABLE ATTORNEYS' FEES  
AND COSTS AND CONFIRMING  
SANCTIONS AWARD

14 Pursuant to the Court's Order of July 10, 2008, wherein Defendants' motion to dismiss and  
15 for sanctions, as well as for reasonable attorney's fees and costs, was granted, Defendants now move  
16 for an award of attorneys' fees pursuant to supporting documentation. Defendants also move for  
17 confirmation of the \$5,000.00 sanctions awarded in view of a different amount mentioned in the  
18 body of the Court's order. The sanctions amount awarded is correctly stated as \$5,000.00 in the  
19 Order at page 6, item number 3, and this Order is correctly reflected in the Judgment as sanctions  
20 granted in the amount of \$5,000.00. While Plaintiffs object to the motion for confirmation of  
21 sanction, viewing it as an untimely motion to alter and amend judgment, the Court overrules the  
22 objection as lacking in merit.

23 Defendants submit documentation for reasonable attorneys' fees in the amount of  
24 \$11,225.50. The Schlotfeldt Affidavit sets forth the roles and hourly rate of the three attorneys and  
25 two paralegals who worked on this case, together with their respective hourly rates and time sheets.


1 Plaintiffs, citing 28 U.S.C. § 2412, object to the motion arguing that attorneys fees should be  
2 limited to \$125 per hour unless the Court specifically determines otherwise. Plaintiffs also contend,  
3 among other things, that Attorney Schlotfeldt does not have experience in cases involving civil rights  
4 and constitutional law, that he is a “sloppy attorney,” that Attorney Quinn Posner’s bill must be  
5 padded because it comes in gradually increasing increments, and that the paralegal’s hourly rate is  
6 excessive.

7 The statute cited by Plaintiffs applies in cases where the United States is a party, and is,  
8 therefore, inapplicable in this case. Plaintiffs contentions as to Defendants request for attorneys’ fees  
9 and the hourly rates stated fail to convince the Court that the motion should not be granted.  
10 Therefore, the Court finding that the Defendants’ showing regarding attorneys’ fees and costs is  
11 reasonable, Defendants’ motion will be granted in the amount requested.

12 NOW, THEREFORE, IT IS ORDERED:

- 13 1. Defendants’ Motion for Costs and Attorneys’ Fees and Confirmation of Sanctions  
14 Awarded [Dkt. # 31] is GRANTED and the amount of sanctions earlier awarded is  
15 confirmed as \$5000.00 as reflected both in the Court’s July 10, 2008 Order at p. 6,  
16 item No. 3 [Dkt. # 24] and in the Judgment entered July 11, 2008 [Dkt. # 26]; and
- 17 2. Pursuant to the Court’s July 10, 2008 Order awarding reasonable attorneys’ fees and  
18 costs, Defendants are awarded reasonable attorneys’ fees in the amount of  
19 \$11,225.50.

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21 DATED this 11<sup>th</sup> day of August, 2008.

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24 FRANKLIN D. BURGESS  
25 UNITED STATES DISTRICT JUDGE